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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c)) – SMALL BUSINESS CONCERN

DOCKET NO.  
ETHG:008

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Applicant or Patentee: UNITED DEVICES, INC.

Application No.: 09/539,107

Title: DISTRIBUTED BACK-UP SYSTEM AND ASSOCIATED METHOD

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN:  
ADDRESS OF SMALL BUSINESS CONCERN:

UNITED DEVICES, INC.  
11675 Jollyville Road  
Suite 100  
Austin, TX 78759

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the

invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.  
☐ each such person, concern or organization is listed below:

Separate verified statement is required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)


I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: EDWARD A. HUBBARD

TITLE OF PERSON IF OTHER THAN OWNER: Chief Executive Officer

ADDRESS OF PERSON SIGNING: 11675 Jollyville Road  
Suite 100  
Austin, TX 78759

SIGNATURE:  DATE: 6/23/00



GAU2759

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: EDWARD A. HUBBARD  
Filed: MARCH 30, 2000  
For: DISTRIBUTED BACK-UP SYSTEM AND ASSOCIATED METHOD  
Serial No.: 09/539,107  
Group Art Unit: 2759  
Examiner: UNKNOWN  
Atty Docket No.: ETHG:008 (f/n/a BAY3:008)

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Pursuant to 37 C.F.R. 1.8, I certify that this correspondence is being deposited with the U.S. Postal Service in a first class, postage prepaid, envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date below:

6/28/00  
Date  
Kim Munnar  
Name

Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

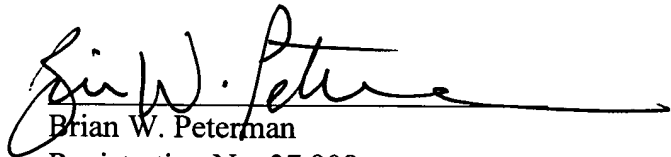
Transmitted herewith for filing are:

- ☐ New Patent Application consisting of \_\_\_\_\_ pages and \_\_\_\_\_ Figs.
- ☐ Response to Missing Parts
- ☐ Assignment and Recordation Cover sheet
- ☐ Inventors' Declaration/Power of Attorney
- ☐ Information Disclosure Statement
  - ☐ references cited previously filed with the parent or cited by Examiner in parent application
- ☐ Petition for a \_\_\_\_\_ month extension of time
- ☐ Response to Office Action
- ☐ Formal Drawings

- ☐ Informal Drawings
- ☐ Certificate of Correction
- ☐ Check in the amount of \$ \_\_\_\_\_
- ☒ The Commissioner is authorized to deduct any requisite fees under 37 CFR 1.16 to 1.21 from, or deposit any credits to, Deposit Account No. 10-1205/ETHG:008.
- ☒ Postcard. Please date stamp and mail this postcard to acknowledge receipt of the enclosed documents.
- ☒ Other: Verified Statement Claiming Small Entity Status -- Small Business Concern

The Examiner is invited to contact the undersigned at 512-347-1611 with any questions or comments, or to otherwise facilitate expeditious prosecution of the application.

Respectfully submitted,



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